



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Numbers: 2305609

Applicant Name: Jay Decker for City Of Seattle

Address of Proposal: 1421 Alaskan Way

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit to establish use for future installation of a 75 sq. ft., pre-fabricated automated public toilet in the public right of way.

The following approval is required:

Shoreline Substantial Development Permit - To allow an automated public toilet in a UH environment (SMC 23.60.660.E).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity

The subject site is in the public right of way sidewalk in front of Waterfront Park adjacent to Elliott Bay and along Alaskan Way. The waterfront automated public toilet is located in a 20-foot wide parcel west of Alaskan Way and measured at right angles approximately 127 feet northwesterly of the extended centerline of Union Street and measured at right angles approximately 308-feet southwesterly of the extended centerline of Pike Street. The site is zoned Downtown Harborfront-1 (DH1-45'), with a 45 ft. height limit.

Elliott Bay is designated as a shoreline of statewide significance; the shoreline environment designation is Urban Harborfront (UH). The site is mapped environmentally critical because it is located in a liquefaction prone area.

Land uses in the vicinity include industrial and recreational open space uses to the south, a variety of retail and water dependent uses in the immediate area, and a wide variety of commercial uses to the east in the downtown area.

Proposal

The applicant proposes to install a pre-fabricated automated public toilet in the right of way in front of Waterfront Park.

Additional Information

The jurisdiction for the portion of the 20-foot wide parcel lying above elevation 5.47 feet (per City of Seattle Datum) was transferred to the Seattle Parks Department under The City of Seattle Ordinances 102696 and 106172. The portion lying below elevation 5.47 appears to be Alaskan Way right-of-way still under the jurisdiction of Seattle Department of Transportation (SDOT). SDOT issued a Street Use permit, number Y4620, to the Seattle Parks Department for the installation and maintenance of the automated public toilet.

Public Comment

No letters were received during the comment period, for this shoreline permit, which ended on September 26th, 1996.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

Substantial Development Permit Required.

ANALYSIS: SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposal may be permitted, subject to the general and specific requirements of the City's Shoreline Master Program. Additional permits and approvals are required by state and federal agencies. A discussion of applicable shoreline requirements follows.

SMC 23.60.030 - Criteria for substantial development permits

A substantial development permit shall be issued only when the development proposed is consistent with:

- A. The policies and procedures of Chapter 90.58 RCW;
- B. The regulations of this chapter;
- C. The provisions of Chapter 173-27 WAC.

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

A. The Policies and Procedures of Chapter 90.58 RCW

Chapter 90.58 RCW and Chapter 173-27 WAC set forth regulations for the adoption and administration of the Shoreline Master Program which was originally adopted by the City of Seattle in 1976 and was revised in 1987. This program is codified in the Land Use Code and has been approved by the State Department of Ecology. Compliance with applicable provisions of the Land Use Code ensures that the proposed development at this site would be consistent with the policies and procedures of Chapter 90.58 RCW and the provisions of Chapter 173-27 WAC.

B. The Regulations of this Chapter

The regulations of Section 23.60 SSMP require that the proposed use(s): 1) be permitted in the shoreline environment and the underlying zoning district; 2) conform to all applicable development standards of both the shoreline environment and underlying zoning; and, 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required. No shoreline variances, conditional uses, or special uses are required for this proposal. In reviewing an application for shoreline development, the Director may attach to the permit any conditions necessary to carry out the spirit and purpose of, and assure compliance with, this chapter and the RCW regulations (Section 23.60.064 E).

1) Permitted Uses

The automated public toilet in front of Waterfront Park is permitted outright in the Urban Harborfront (UH) environment (SSMP 23.60.660.E).

2) Development Standards

The proposal must conform to the physical development standards for uses in the UH environment (SSMP 23.60. 670), the general standards for all environments (SSMP 23.60.152), as well as the standards for the underlying DH1 45' zoning.

Development Standards for the UH environment - Section 23.60.690 SSMP

The proposed new automated public toilet meets all development standards of the UH environment as discussed.

View Corridor

The view corridor requirement of 30% of the lot width for this proposal is met.

Public Access

The public access requirement of 15% of developed lot area for the site is met.

General development standards for all environments, SMC 23.60.152

These general standards apply to all uses in the shoreline environments. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or

activity. All shoreline development and uses must: 1) minimize and control any increases in surface water runoff so that receiving water quality and shore properties are not adversely affected; 2) be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area; and 3) be located, constructed, and operated so as not to be a hazard to public health and safety.

The plans appear to be designed to protect the public interest and the shoreline environment. The plans specify that the new public toilet is pre-fabricated. Best Management Practices include the use of least toxic materials for construction.

The City's Stormwater, Grading and Drainage Control Code (SMC22,800) provides considerable emphasis on improving water quality. In conjunction with this effort, a Director's Rule, 6-93, was developed to apply best management practices (BMPs) to prevent erosion and sedimentation from leaving construction sites or where construction will impact receiving waters.

C. The provisions of Chapter 173-27 WAC.

Chapter 173-27 WAC establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including the requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter 23.60 is also consistency with WAC 173-27 and RCW 90.58.

Thus, as conditioned below, the proposal is consistent with the criteria for shoreline substantial development permit and may be approved.

CONCLUSION

The proposal as conditioned conforms to the general and specific development standards for development in the UH environment and with the policies and procedures of the WAC and RCW. Conditions to minimize project impacts pursuant to the Director's authority to impose conditions (SSMP 23.60.064 E) under Seattle's Shoreline Management Program have been imposed. Because it has been established that the proposed use and development conforms, with the regulations of Chapter 23.60 of the Seattle Municipal Code, the permit should be approved.

DECISION - SUBSTANTIAL DEVELOPMENT PERMIT

The proposed action is **CONDITIONALLY GRANTED**. Conditions imposed at the end of decision.

CONDITIONS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

Prior to Construction:

1. Identify appropriate Best Management Plan (BMP) from the Small Project Construction Stormwater Control Plan to prevent sediment and other deleterious material from entering Elliot Bay during Construction.

During Construction:

The following conditions to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

2. Implement the appropriate BMP's from the Small Project Construction Stormwater Control Plan to prevent sediment and other deleterious material from entering Elliot Bay during construction.

Signature: (signature on file) Date: November 20, 2003

Joan S. Carson, Land Use Planner II
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Land Use Services